

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

RICHARD A. FINGER, JR. and BLACK
DIAMOND SECURITIES, LLC

Defendants.

Case No. 2:11-cv-01479-RAJ

**FINAL JUDGMENT AGAINST
DEFENDANTS RICHARD A. FINGER, JR.
AND BLACK DIAMOND SECURITIES,
LLC**

1 Plaintiff Securities and Exchange Commission (“Commission”) having filed its complaint in
 2 this action and defendants Richard A. Finger, Jr. (“Finger”) and Black Diamond Securities, LLC
 3 (“Black Diamond”) (together, “Defendants”) having entered a general appearance; consented to the
 4 Court’s jurisdiction over them and the subject matter of this action; consented to entry of this Final
 5 Judgment Against Defendants Richard A. Finger, Jr. and Black Diamond Securities, LLC; waived
 6 findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

7 I.

8 IT IS HEREBY ORDERED THAT defendants Finger and Black Diamond and their
 9 respective officers, agents, servants, employees, attorneys, and those persons in active concert or
 10 participation with any of them, who receive actual notice of this Final Judgment, by personal service
 11 or otherwise, and each of them, are permanently enjoined from, directly or indirectly, in connection
 12 with the purchase or sale of securities, by use of means or instrumentalities of interstate commerce, or
 13 of the mails, with scienter:

14 (a) employing devices, schemes, or artifices to defraud;

15 (b) making untrue statements of material fact or omitting to state material facts

16 necessary in order to make the statements made, in the light of the circumstances

17 under which they were made, not misleading; and

18 (c) engaging in acts, practices, or courses of business which operate or would

19 operate as a fraud or deceit upon other persons,

20 in violation of Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”)

21 [15 U.S.C. § 78(j)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5].

22 II.

23 IT IS FURTHER ORDERED THAT defendant Black Diamond and its respective officers,
 24 agents, servants, employees, attorneys, and those persons in active concert or participation with any
 25 of them, who receive actual notice of this Final Judgment, by personal service or otherwise, and each
 26 of them, are permanently enjoined from, directly or indirectly, while acting as a broker, making use
 27 of the mails or any means or instrumentality of interstate commerce to effect transactions in, or to
 28 induce or attempt to induce the purchase or sale of, securities (other than commercial paper, bankers’

1 acceptances, or commercial bills) otherwise than on a national securities exchange of which it is a
 2 member, by means of any manipulative, deceptive, and fraudulent device and contrivance, in
 3 violation of Section 15(c)(1)(A) of the Exchange Act [15 U.S.C. § 78o(c)(1)(A)].

4 III.

5 IT IS FURTHER ORDERED THAT defendant Finger and his respective agents, servants,
 6 employees, attorneys, and those persons in active concert or participation with any of them, who
 7 receive actual notice of this Final Judgment, by personal service or otherwise, and each of them, are
 8 permanently restrained and enjoined from, directly or indirectly, knowingly or recklessly providing
 9 substantial assistance to any other person who, while acting as a broker, makes use of the mails or
 10 any means or instrumentality of interstate commerce to effect transactions in, or to induce or attempt
 11 to induce the purchase or sale of, securities (other than commercial paper, bankers' acceptances, or
 12 commercial bills) otherwise than on a national securities exchange of which that person is a member,
 13 by means of any manipulative, deceptive, and fraudulent device and contrivance, in violation of
 14 Section 15(c)(1)(A) of the Exchange Act [15 U.S.C. § 78o(c)(1)(A)].

15 IV.

16 IT IS FURTHER ORDERED THAT the asset freeze previously imposed on the assets of
 17 defendants Finger and Black Diamond is hereby dissolved. Within 10 days of entry of this Final
 18 Judgment Defendants' attorney in this case, David B. Bukey, shall pay \$170,302.48 from his attorney
 19 trust account into the Court registry, representing the proceeds previously derived from asset sales by
 20 the Defendants. Defendants' attorney shall make this payment by cashier's check or other certified
 21 payment instrument. Along with the payment instrument, Defendants' attorney shall submit a cover
 22 letter that indicates that the payment is being made pursuant to this Final Judgment. Defendants'
 23 attorney shall simultaneously deliver a copy of the payment instrument and cover letter to plaintiff's
 24 counsel Robert L. Mitchell, Securities and Exchange Commission, San Francisco Regional Office, 44
 25 Montgomery Street, 28th Floor, San Francisco, CA 94104. The funds deposited with the Court
 26 registry shall be held pending further Court order to be distributed as part of a restitution fund for
 27 victims in a separate criminal action pending in this District captioned *U.S. v. Richard A. Finger, Jr.*,
 28 Crim. No. 2:11-cr-00382-RSM-1.

V.

IT IS FURTHER ORDERED THAT the Consent of Defendant Richard A. Finger, Jr. to Entry of Final Judgment is incorporated herein with the same force and effect as if fully set forth herein and that defendant Finger shall comply with all of the undertakings and agreements set forth therein.

VI.

IT IS FURTHER ORDERED THAT the Consent of Defendant Black Diamond Securities, LLC to Entry of Final Judgment is incorporated herein with the same force and effect as if fully set forth herein and that defendant Black Diamond shall comply with all of the undertakings and agreements set forth therein.

VII.

IT IS FURTHER ORDERED THAT this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

VIII.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Judgment forthwith and without further notice.

Date: October 9th, 2012



The Honorable Richard A. Jones
United States District Court Judge

Approved as to form:

[signature on original]

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Attorney for Defendants RICHARD
A. FINGER, JR. and
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Submitted by:

/s/ Robert L. Mitchell
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